

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

INTERVET, INC. and)
BTG INTERNATIONAL LIMITED,)
)
Plaintiffs,)
)
v.)
)
MERIAL LIMITED,)
)
Defendant.)

**SIX MONTH STATUS REPORT CONCERNING
REEXAMINATION OF U.S. PATENT NO. 5,587,166**

The parties jointly submitted a Stipulation and Order of Stay of Action Until Final Decision in Reexamination that was granted by this Court's July 6, 2006 Order. (D.I. 27). Pursuant to the July 6, 2006 Order, this action is stayed until the final resolution of the Reexamination of U.S. Patent No. 5,587,166 ("the '166 patent Reexamination"), with Defendant Merial Limited ("Merial") to provide the Court with six month interval status reports, until there is a final resolution of the '166 Patent Reexamination. At that time, Merial will notify the Court of the Reexamination decision and provide a report on the final decision in the '166 Patent Reexamination. Therefore, Merial respectfully submits this six month status report.

STATUS OF THE '166 PATENT REEXAMINATION

The '166 Patent Reexamination initially declared by United States Patent and Trademark Office ("USPTO") is Reexamination Control No. 90/007964, wherein the USPTO issued a first office action, and the parties are awaiting further action by the USPTO in that '166 Patent Reexamination. In the meantime, the USPTO has declared a second Reexamination of the '166 Patent, namely Reexamination Control No. 90/008762. The parties are awaiting the issuance of

a first office action in that '166 Patent Reexamination. Thus, there are now two '166 Patent Reexaminations, both of which are currently pending with no final resolution.

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